

III. REMARKS

Claims 1-34 are pending in this application. By this Amendment, claims 1, 6, 20, and 31 have been amended. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

Applicant does not acquiesce in the correctness of the rejections or objections and reserves the right to present specific arguments regarding any rejected or objected-to claims not specifically addressed. Further, Applicant reserves the right to pursue the full scope of the subject matter of the claims in a subsequent patent application that claims priority to the instant application.

In the Office Action, Applicant's 08 November 2005 Amendment is objected to under 35 U.S.C. 132(a) as allegedly introducing new matter into the disclosure. Specifically, the Office alleges that the amendment to claim 1 adding the limitation that iteratively identifying a parent role from said list of super roles be "based on at least one search criterion narrower than was used to identify all super roles" introduces material not supported by the original disclosure. Office Action at 2.

Applicant asserts, however, that the disclosure does teach the use of a narrower search criterion. For example, FIG. 2a shows steps 204, 210 and 212, which read, respectively, "List all super roles for F," "Loop on this list starting with F and get the parent role at each iteration to get a current role R," and "Search in that [Organizational Unit] for all resources other than x that have the role R." Emphasis added. Thus, the disclosure teaches "iteratively identifying a parent role from said list of super roles based on at least one search criterion narrower than was used to identify all super roles."

The Office goes on to allege that U.S. Patent No. 6,308,163 to Du et al. teach “iteratively identifying a parent roles [sic] from said list of super roles based on at least one search criterion narrower than was used to identify all super roles.” Office Action at 3. More specifically, the Office alleges that “Du teaches that escalation begins at the lower hierarchical levels and proceeds up to super and parent roles. The super roles (ERM’s) are at the top of this hierarchy and inherit the capabilities of the roles beneath them.” *Id.* In support of this allegation, the Office cites column 5, lines 51-52, which read, “Furthermore, a resource type inherits capabilities (attributes) from its parent.”

Applicant asserts that the cited passage of Du et al. is antithetical to the Office’s interpretation of the passage. Super roles, ERMs, etc. at the top of the hierarchy do not inherit their capabilities from roles beneath them. This is clear from the cited passage itself. However, the error in the Office’s interpretation is more clear when viewed in the context of the more complete paragraph from which the above citation is taken.

Preferably, the system utilizes a resource model that is a hierarchical collection of resource types. A resource type is used to organize resources into groups of resource instances with the same capabilities. The resource hierarchy shows resources organized into types. Each of the types in the hierarchy has a list of capability attributes, which represent its capabilities. Furthermore, a resource type inherits capabilities (attributes) from its parents.

Du et al., col. 5, ll. 45-52.

Thus, the super roles (ERMs) of Du et al. pass their capabilities to roles beneath them, not the reverse, as alleged by the Office. In other words, the capabilities of the super roles (ERMs) of Du et al. are broader than those of the roles beneath them. As a consequence, Du et al. do not teach “iteratively identifying a parent role from said list of super roles based on at least one search criterion narrower than was used to identify all super roles,” as recited in claim 1.

Nevertheless, in order to facilitate early allowance of the claims, and in view of the additional amendments to claim 1, the objected-to limitation has been removed from claim 1.

In the Office Action, claims 1-5 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Du et al. Applicant maintains the argument that the use of the term "role" in Du et al. is distinct from its use in the present application and that Du et al. do not, therefore, make obvious any pending claim of the present invention.

In addition, as will be described in greater detail below, Applicant maintains the argument that Du et al. do not teach a matrix organizational model. Claim 1 has been amended to recite "identifying in a matrix-based workflow an organizational unit where said resource x belongs." Accordingly, Applicant asserts that claim 1 is not obvious in view of Du et al. and respectfully requests withdrawal of the rejection.

In the Office Action, claims 6-19 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Du et al. in view of U.S. Patent No. 5,826,239 to Du et al. (the '239 patent). More specifically, the Office alleges that Du et al. teaches "a search engine interfacing with said one or more databases and utilizing stored information to determine workflow routing in said matrix organizational model." Office Action at 11. In support of this allegation, the Office cites the following from Du et al.:

Column 9, line 23-25, resource request received at control engine. Figure 6 #164, query returned to resource engine to determine resource. Figure 5 #144 & #146, resource engine contains query processor and discovery model. Column 11 line 5-6, stored policy rules are consulted in determining abandonment or processing - these policy rules are stored in the database of policy and resource schema (Figure 5 #170).

Id.

Applicant asserts that none of the above portions of Du et al., or any other portion of Du et al. or the '239 patent of which Applicant is aware, teaches workflow routing in a matrix organizational model. Applicant noted this in Applicant's 01 July 2005 Request for Reconsideration at pp. 4-5. The Office responded in the 09 September 2005 Final Office Action:

...applicant is reminded that descriptors in the preamble of a claim such as 'matrix organization' or 'matrix organizational model' are not granted any patentable weight...A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness...

Final Office Action at 4.

In turn, Applicant asserted in the 08 November 2005 After Final Amendment that "the body of claim 6 clearly does depend on its preamble for completeness, as it specifically refers to 'said matrix organizational model.'" After Final Amendment at 14.

The Office has yet to respond to the merit of Applicant's assertion that neither Du et al. nor the '239 patent teach a matrix organizational model. Applicant presumes that this point is conceded by the Office. Accordingly, each of claims 1, 6, 20, and 31 has been amended to incorporate "a matrix organizational model" in its body. For each of the reasons above, Applicant asserts that none of the rejected claims is obvious in view of Du et al. or the '239 patent, whether viewed individually or in combination, and respectfully requests withdrawal of the rejection.


In the Office Action, the Office states that claims 20-34 recite limitations already addressed by the rejections of claims 1-19 and that the same rejection applies. Applicant asserts, therefore, that each of the amendments and arguments above is

equally applicable to independent claims 20 and 31 and respectfully request withdrawal of the rejection.

Applicant asserts that each of the rejected dependent claims is allowable for the reasons given above, as well as for their own unique features.

In view of the foregoing, Applicant respectfully requests withdrawal of the rejection and objections and allowance of the application. Should the Examiner require anything further from Applicant, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,



Ronald A. D'Alessandro
Reg. No. 42,456

Date:

5/15/06

Hoffman, Warnick & D'Alessandro LLC
75 State Street, 14th Floor
Albany, New York 12207
T: 518.449.0044
F: 518.449.0047